

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**COURTNEY FOSTER and MATTHEW
KISCADEN, on their behalf and on
Behalf of similarly situated persons,**

Plaintiffs,

vs.

Civ. No. 19-270 MV/JMR

CITY OF ALBUQUERQUE,

Defendant.

**MAGISTRATE JUDGE’S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION¹**

THIS MATTER is before the Court on Plaintiffs’ unopposed *Motion to Voluntarily Dismiss Class Action Allegations in Plaintiffs’ Complaint* (“*Motion*”), filed May 30, 2025. Doc. 134. The following day, the sole Defendant filed its Response. Doc. 136. Therein, Defendant stated that it does not oppose Plaintiffs’ *Motion* and requested that if Plaintiffs’ *Motion* were to be granted, the Court revise the case caption to reflect the dismissal of the class allegations. *Id.*

Plaintiffs originally sought to represent a class of all “registered owners of motor vehicles seized pursuant to the City of Albuquerque’s DWI vehicle forfeiture ordinance between March 26, 2016 and June 30, 2018.” Doc. 85 at 1; *see also* Doc. 1. On September 23, 2024, before the Court ruled on Plaintiffs’ *Motion to Certify Class as to Count I* (Doc. 85), Plaintiffs withdrew their motion to certify the purported class. Doc. 126. As explained in the *Motion*—and reflected in the minutes of the most recent status conference in this case, filed May 16, 2025 (Doc. 131)—

¹ By an Order of Reference filed June 11, 2025, the Honorable Martha Vázquez referred Plaintiffs’ *Motion to Voluntarily Dismiss Class Action Allegations in Plaintiffs’ Complaint* (Doc. 134) to the undersigned to conduct hearings as warranted, including evidentiary hearings, and to perform any legal analysis required to recommend an ultimate disposition as it applies to the *Motion*, only. Doc. 135.

Plaintiffs Courtney Foster and Matthew Kiscaden intend to proceed with their individual claims, only.

For all the foregoing reasons, the Court finds that Plaintiffs' *Motion* is well taken. Based on this findings, the Court recommends that class action claims and causes of action in the above captioned matter be **DISMISSED**. Accordingly, the Court recommends **DIRECTING** the Clerk of the Court to amend the case caption to omit the purported class action claims.

THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**


JOHN F. ROBBENHAAR
United States Magistrate Judge